

Notice of Agency Rule-Making Proposal

AGENCY: Department of Environmental Protection

CHAPTER NUMBER AND TITLE: Chapter 200 Metallic Mineral Exploration, Advanced Exploration and Mining

PROPOSED RULE NUMBER:

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CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different):

PUBLIC HEARING: October 17, 2013 9:00 AM
Augusta Civic Center
Civic Center Drive
Augusta, Maine

COMMENT DEADLINE: October 28, 2013 5:00 P.M.

BRIEF *SUMMARY: This new rule is being proposed to implement the Maine Metallic Mineral Mining Act, 38 M.R.S. Section 490-II et seq., and will repeal and replace the existing Chapter 200 Metallic Mineral Exploration, Advanced Exploration and Mining rule. The proposal updates Maine's mining regulations to provide a comprehensive application and permitting process for several types of mining activities, including exploration, advanced exploration and mining.

Under the proposal, exploration activities do not require a permit, but must instead submit a work plan and meet a number of performance standards designed to protect natural resources and properly restore the exploration site. Advanced exploration activities, which involve more extensive sampling (along with the potential for more significant environmental impacts) require a Department permit, with Tier One advanced exploration activities involving the excavation and removal of up to 1000 tons of material, and Tier Two advanced exploration activities excavating and removing up to 5000 tons of excavated material. Under an advanced exploration mining permit, the on-site processing of samples is limited to mechanical size alteration (crushing) and sorting. Tier One and Tier Two advanced exploration activities are subject to permitting requirements that may include (depending on the activity) blasting standards, financial assurance requirements, a reactive mine waste characterization plan, measures to monitor, limit and control any acid rock drainage or metal leaching, a baseline site characterization report, an environmental impact assessment, interim and final closure plans, and plans for the management of excavation and processing waste.

Mining activities which involve the excavation of 5000 tons or more of material are subject to more extensive permitting requirements that include (in addition to the above), a quality assurance plan, monitoring plan, and

reactive mine and hazardous materials monument plans. In addition, since these mining activities can include on-site beneficiation of ore and disposal of reactive mine wastes, applicants must demonstrate that mine waste units meet minimum performance requirements designed to prevent the contamination of surface and groundwater.

Copies of these rules are available upon request by contacting the Agency contact person or on the DEP website at www.maine.gov/dep/rules/.

Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any) None

STATUTORY AUTHORITY FOR THIS RULE: Public Law 2011, Chapter 853
38 MRS Section 490-NN(1)(B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Mike.Karagiannes@maine.gov

** Check one of the following two boxes.*

X The above summary is for use in both the newspaper and website notices.

☐ The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.
